

THOMAS O'HAYER; May 18, 2010

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PATTY BEALL, MATTHEW MAXWELL, )  
TALINA McELHANY and KELLY )  
HAMPTON, individually and on )  
behalf of all other similarly ) 2:08-cv-422 TJW  
situated, )  
Plaintiff(s), )  
vs. )  
TYLER TECHNOLOGIES, INC., and )  
EDP ENTERPRISES, INC., )  
Defendant(s). )

DEPOSITION UPON ORAL EXAMINATION OF  
THOMAS O'HAYER

9:20 A.M.

MAY 18, 2010

520 PIKE STREET, 12TH FLOOR

SEATTLE, WASHINGTON



REPORTED BY: MARY L. GREEN, CCR 2981

THOMAS O'HAVER; May 18, 2010

Page 2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
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A P P E A R A N C E S

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THOMAS O'HAYER; May 18, 2010

Page 3

## I N D E X

## EXAMINATION BY: PAGE(S)

MS. PERLIONI 5

MS. BAGLEY 111

## EXHIBITS FOR IDENTIFICATION PAGE

1 Consent to Become a Party Plaintiff 5

2 Summary sheet of benefits, brochures, and  
annual reports 8

3 Tyler Technologies Employee Handbook 8

4 Check Register 9

5 Resume 12

6 Expense Detail 13

7 Calendar 16

8 May 7, 2010, letter to Thomas O'Haver from 21

Rose Feazell

9 Notice of Deposition 21

10 Instructions to Client/Witness 21

11 November 14, 2003, e-mail to Demonstrator 21

from Thomas O'Haver

THOMAS O'HAVER; May 18, 2010

9 (Pages 24 to 27)

| Page 24   | Page 26   |
|---|---|
| <p>1 events for you coming in to interview for the position?</p> <p>2 A. Yes, I can. I had evidently in November of</p> <p>3 2003 submitted a cover letter and resume to EDEN</p> <p>4 Systems, because I saw that they were hiring for a</p> <p>5 position that I was qualified for. I did not receive a</p> <p>6 response initially from them, so I called the office</p> <p>7 and asked for the manager of the consulting group.</p> <p>8 I happened to get the president of the company</p> <p>9 on the phone, talked about my interest in working and</p> <p>10 interviewing for them, and he said are you available</p> <p>11 today? I said yes, so I quickly jumped in my car and</p> <p>12 came down and interviewed with the company.</p> <p>13 Q. Who was the president of the company that you</p> <p>14 happened to catch on the --</p> <p>15 A. Gene Jackson.</p> <p>16 Q. And when you --</p> <p>17 A. Excuse me. His title is executive vice</p> <p>18 president on the letter. Later on he became president,</p> <p>19 but at the time that he interviewed with me, he</p> <p>20 obviously was the vice president.</p> <p>21 Q. So that's the Gene Jackson you were just</p> <p>22 referring to signing the letter that we've marked</p> <p>23 Deposition Exhibit 12?</p> <p>24 A. Yes.</p> <p>25 Q. And when you came to EDEN Systems, is that who</p> | <p>1 Q. During your interview with Mr. Jackson, did</p> <p>2 you have any discussion about the implementation</p> <p>3 consultant position?</p> <p>4 A. Yes.</p> <p>5 Q. What do you recall Mr. Jackson telling you</p> <p>6 about the position?</p> <p>7 A. That it was a training consulting position for</p> <p>8 their software and it involved travel.</p> <p>9 Q. Did he describe the type of software he was</p> <p>10 referring to?</p> <p>11 A. Yes. Their software was financial-based</p> <p>12 module software incorporating many financial modules.</p> <p>13 Q. And did he describe -- you mentioned he</p> <p>14 discussed travel. Did he describe the anticipated</p> <p>15 amounts of travel?</p> <p>16 A. Yes. He said the travel could involve up to</p> <p>17 80 percent or more travel.</p> <p>18 Q. And did he describe for you -- you mentioned</p> <p>19 he said -- he discussed that it was a training</p> <p>20 consulting position relating to EDEN software. Did he</p> <p>21 explain further what he meant by training or</p> <p>22 consulting?</p> <p>23 A. The title of the position was implementation</p> <p>24 consultant, but he said it was primarily a training</p> <p>25 position.</p>  |
| Page 25   | Page 27   |
| <p>1 you interviewed with, Mr. Jackson?</p> <p>2 A. Initially, yes.</p> <p>3 Q. Describe for me the sequence of events once</p> <p>4 you arrive at EDEN Systems. Who did you first meet</p> <p>5 with?</p> <p>6 A. The receptionist.</p> <p>7 Q. And I assume she was just directing -- she or</p> <p>8 he was directing you to where you would go to meet with</p> <p>9 someone else?</p> <p>10 A. Yes.</p> <p>11 Q. And who was the first person you met with?</p> <p>12 A. Gene Jackson.</p> <p>13 Q. What do you recall from your meeting with</p> <p>14 Mr. Jackson when you went to interview for the position</p> <p>15 at EDEN Systems?</p> <p>16 A. It was a productive discussion of my interest</p> <p>17 in employment with EDEN Systems and their interest in</p> <p>18 pursuing my interest.</p> <p>19 Q. If you look on Deposition Exhibit 12, your</p> <p>20 offer letter, it says that you were offered employment</p> <p>21 as an implementation consultant. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And that's the position for which you were</p> <p>24 hired?</p> <p>25 A. Yes.</p>  | <p>1 Q. But did he explain what he meant by that?</p> <p>2 A. That I would train the users on the</p> <p>3 implementation of the EDEN software.</p> <p>4 Q. What do you mean by the implementation of the</p> <p>5 EDEN software?</p> <p>6 A. The customers, which were primarily</p> <p>7 municipalities, county, city, or private utility</p> <p>8 companies, would purchase the software from EDEN</p> <p>9 Systems as a result of either upgrading from one</p> <p>10 version of the software to another or from a new</p> <p>11 purchase of their software, and they would need to be</p> <p>12 trained on the use of that software and the software</p> <p>13 would need to be configured to meet their needs, and</p> <p>14 that would be my responsibility to help configure and</p> <p>15 to train the end users.</p> <p>16 Q. I mean, I'm just trying to understand. Can</p> <p>17 you explain what the implementation -- what that means</p> <p>18 when you say implementation?</p> <p>19 A. Implementation means to -- to bring the</p> <p>20 software to a point of productional use for the client.</p> <p>21 Q. What kind of things did that entail?</p> <p>22 A. Well, the software is very module parameter</p> <p>23 based and needs to be set up. It doesn't work right</p> <p>24 out of the box, because it's made to be -- fit many</p> <p>25 different clientele situations. Therefore, it needed</p> |

THOMAS O'HAVER; May 18, 2010

10 (Pages 28 to 31)

| Page 28   | Page 30   |
|---|---|
| <p>1 to be set up to meet the needs of the client, and after</p> <p>2 being set up, the client needs to be trained on the use</p> <p>3 of that software.</p> <p>4 Q. Maybe you can walk me through. So I'm a new</p> <p>5 customer.</p> <p>6 A. Yes.</p> <p>7 Q. I'm some kind of governmental unit. Say I'm a</p> <p>8 municipality.</p> <p>9 A. Uh-huh.</p> <p>10 Q. And I have purchased the software, the EDEN</p> <p>11 solution software, right?</p> <p>12 A. Yes.</p> <p>13 Q. Do you get initial -- I mean, where do you</p> <p>14 come in? Do you get notice, hey, we have this new</p> <p>15 customer, or just kind of walk me through your role in</p> <p>16 that process. Are you part of selling the software to</p> <p>17 the new customer?</p> <p>18 A. No.</p> <p>19 Q. So when would you come in and how would you</p> <p>20 get notice of a new customer?</p> <p>21 A. I come in after the sale cycle is complete and</p> <p>22 after the project manager has met with the client, come</p> <p>23 up with an implementation plan, and also after the</p> <p>24 conversion department of EDEN Systems has converted</p> <p>25 their existing data to the new format that the new</p>   | <p>1 A. I had two managers -- yeah -- at least two</p> <p>2 managers while I was with EDEN Systems and Tyler</p> <p>3 Technologies.</p> <p>4 Q. For the record, let's do this. Initially when</p> <p>5 you were first hired it was EDEN Systems?</p> <p>6 A. Correct.</p> <p>7 Q. And ultimately that was acquired by Tyler</p> <p>8 Technologies?</p> <p>9 A. Yes.</p> <p>10 Q. And I think it was shortly after you were</p> <p>11 hired?</p> <p>12 A. Yes.</p> <p>13 Q. Can we just refer to Tyler Technologies?</p> <p>14 A. Yes.</p> <p>15 Q. Let's talk about during your tenure with Tyler</p> <p>16 Technologies, first manager was?</p> <p>17 A. I don't recall. I think it was Paul, and I</p> <p>18 can't recall his last name. It was just for a short</p> <p>19 period of time.</p> <p>20 Q. And then --</p> <p>21 A. You may have more information on that than I</p> <p>22 do.</p> <p>23 Q. And then your second?</p> <p>24 A. Marilyn Foos.</p> <p>25 Q. Was there a Rick Dybvad?</p>   |
| Page 29   | Page 31   |
| <p>1 software requires. Then my job is to set up the</p> <p>2 software and to train the end users.</p> <p>3 Q. So I want to walk through that process. So it</p> <p>4 sounds to me if I'm understanding correctly, you say</p> <p>5 the project manager initially meets with the client and</p> <p>6 creates the implementation plan. Some other group</p> <p>7 takes the client's data and converts its existing data</p> <p>8 into the EDEN software, and then that's when you come</p> <p>9 in after that has happened. Am I correct on that?</p> <p>10 A. Partly. If they were an existing client, EDEN</p> <p>11 client, then they'd take their software from one</p> <p>12 version and convert it to whatever needs to be in for</p> <p>13 the new version. Sometimes that's minimal conversion.</p> <p>14 Sometimes if they were on a different software</p> <p>15 altogether, it could be some major conversion.</p> <p>16 I would not be directly involved in that. I</p> <p>17 would take that data -- come in at the point of data</p> <p>18 being -- having been converted and train the users on</p> <p>19 that with their converted data on the new software.</p> <p>20 Q. So who notifies you -- okay. We've taken the</p> <p>21 data, converted it into our software, and set up, so</p> <p>22 who notifies you? What kind of information do you get</p> <p>23 at that point?</p> <p>24 A. My manager notifies me.</p> <p>25 Q. Who was your manager?</p> | <p>1 A. Yeah. Rick Dybvad. Thank you.</p> <p>2 Q. That was your first manager?</p> <p>3 A. That was my first manager, Rick Dybvad.</p> <p>4 Q. So you get the call from your manager. What</p> <p>5 does your manager tell you?</p> <p>6 A. That we have a new client and that I should be</p> <p>7 prepared to include that client on my schedule and to</p> <p>8 meet to discuss the details of the implementation.</p> <p>9 Q. Who would you meet with to discuss the details</p> <p>10 of the implementation?</p> <p>11 A. It would be a team involving the project</p> <p>12 manager, perhaps my manager, not always, the conversion</p> <p>13 group within Tyler, and that would be it.</p> <p>14 Q. When you say that would be it --</p> <p>15 A. That would be the initial internal Tyler</p> <p>16 discussion.</p> <p>17 Q. But that would include you, though, right?</p> <p>18 A. Yeah. Including myself. So that would be the</p> <p>19 first meeting that I would have in regards to the</p> <p>20 project.</p> <p>21 Q. What -- in that first initial meeting, what</p> <p>22 was discussed?</p> <p>23 A. The condition of the data, any unique</p> <p>24 situations for the client, and the number of</p> <p>25 implementation sessions that would be necessary.</p> |



THOMAS O'HAVER; May 18, 2010

11 (Pages 32 to 35)

| Page 32   | Page 34  |
|---|--|
| <p>1 Q. Who decides the number of implementations?</p> <p>2 A. The project manager.</p> <p>3 Q. What is that based on?</p> <p>4 A. How much they're willing to pay.</p> <p>5 Q. How much the client is willing to pay?</p> <p>6 A. Yes.</p> <p>7 MS. BAGLEY: Give them all the training</p> <p>8 they want.</p> <p>9 Q. (BY MS. PERLIONI) So that's decided at that</p> <p>10 first team meeting?</p> <p>11 A. Yes.</p> <p>12 Q. And then what happens next?</p> <p>13 A. Then I schedule a phone meeting with the</p> <p>14 client.</p> <p>15 Q. Why do you need the phone meeting with the</p> <p>16 client?</p> <p>17 A. To introduce myself, and it may include a</p> <p>18 Webex session to show them what the software will look</p> <p>19 like that they get and to also look at their -- some of</p> <p>20 their data. It's just kind of an introductory session</p> <p>21 and also to gather some information for preliminary</p> <p>22 set-up.</p> <p>23 Q. And what would make you decide to do a Webex</p> <p>24 for a particular client?</p> <p>25 A. So that they could see what their screens were</p>   | <p>1 see what is different and how it's set up.</p> <p>2 A. Yes.</p> <p>3 Q. What would you do in that interim period</p> <p>4 before you prepared this Webex to give to clients?</p> <p>5 MS. BAGLEY: Object to the form.</p> <p>6 Q. (BY MS. PERLIONI) You still answer the</p> <p>7 question.</p> <p>8 A. Could you restate the question?</p> <p>9 Q. I'm just trying to understand how you became</p> <p>10 familiar with whatever set-up has been prepared and</p> <p>11 configured that's unique to the different clients.</p> <p>12 A. That would be one of the purposes of that</p> <p>13 initial meeting to determine what uniquenesses they had</p> <p>14 and to take note of those and to show the clients some</p> <p>15 of the screens and forms and interfaces that they would</p> <p>16 be experiencing. It was an introductory meeting.</p> <p>17 Q. The Webex meeting?</p> <p>18 A. Yeah.</p> <p>19 Q. But if you're preparing the Webex, don't you</p> <p>20 have to look at it ahead of time?</p> <p>21 A. No. The Webex is just an interactive session</p> <p>22 with the client. It's not a prepared presentation.</p> <p>23 It's just -- a Webex is a way of connecting with the</p> <p>24 client so that they can see what's on my computer and I</p> <p>25 can see what's on their computer.</p> |
| Page 33   | Page 35  |
| <p>1 going to look like.</p> <p>2 Q. I thought you said you might do a Webex. Did</p> <p>3 you do some for some clients?</p> <p>4 A. Yes.</p> <p>5 Q. What would make you decide to do a Webex for</p> <p>6 one client and not for another one?</p> <p>7 A. The project manager would recommend it.</p> <p>8 Q. Based on what? Do you know?</p> <p>9 A. Based on their experience and what they</p> <p>10 already knew of the software.</p> <p>11 Q. This Webex, was that something you prepared?</p> <p>12 A. Yes.</p> <p>13 Q. What would that -- I mean, what would it show</p> <p>14 them?</p> <p>15 A. It would just show them some of the screens --</p> <p>16 screen shots on my computer that they would eventually</p> <p>17 have for their software.</p> <p>18 Q. I want to take it a step back. So in</p> <p>19 preparing this Webex, you mentioned earlier that these</p> <p>20 modules were configured specific to the client and the</p> <p>21 client needs.</p> <p>22 A. Yes.</p> <p>23 Q. So if they're different and configured</p> <p>24 different based on client, what do you do to be able</p> <p>25 to, you know -- obviously you have to somehow go in and</p> | <p>1 Q. So it's not like a canned PowerPoint or</p> <p>2 anything like that?</p> <p>3 A. No.</p> <p>4 Q. It's actually their data set up and configured</p> <p>5 in the system?</p> <p>6 A. It's like a Skype without looking at them but</p> <p>7 looking at their computer instead.</p> <p>8 Q. And then you just sort of maneuver through the</p> <p>9 set-up?</p> <p>10 A. Yeah.</p> <p>11 Q. And what do you -- like what kind of things</p> <p>12 will you decide to maneuver through or to show them</p> <p>13 during that initial Webex?</p> <p>14 A. I will show them the software screens that</p> <p>15 they would be using, and then I would look at some of</p> <p>16 their existing data and maybe some screen shots of how</p> <p>17 they're doing -- what they're using currently if I was</p> <p>18 not familiar with it. Like they may be coming from a</p> <p>19 different module, different software altogether.</p> <p>20 Q. So is that sort of a way not only for you to</p> <p>21 show them the system but also for you to gain</p> <p>22 information from them about, you know, their own data</p> <p>23 and -- what did you call it earlier? -- you said</p> <p>24 gather information?</p> <p>25 A. Yes. It would be a way of gathering some</p>  |

THOMAS O'HAVER; May 18, 2010

12 (Pages 36 to 39)

| Page 36  | Page 38   |
|--|---|
| <p>1 preliminary information that might be useful for my</p> <p>2 training of their staff.</p> <p>3 Q. What type of things did you find that you</p> <p>4 wanted to gather from the client prior to going out and</p> <p>5 actually meeting with them?</p> <p>6 A. It depended on the module that I was training</p> <p>7 them for. I supported several modules of the Tyler</p> <p>8 suite of software.</p> <p>9 Q. Which modules did you support?</p> <p>10 A. Utility billing, parcels and permits, and</p> <p>11 special assessments.</p> <p>12 Q. For the record, can you describe what those</p> <p>13 modules are starting with what is a utility billing</p> <p>14 module?</p> <p>15 A. Utility billing is software to collect utility</p> <p>16 consumption, utility usage consumptions for water and</p> <p>17 sewer usage and to track that usage and produce a bill</p> <p>18 to send out to the customer.</p> <p>19 Q. Does it also include collections and</p> <p>20 accounting for whether or not you've received payment</p> <p>21 for --</p> <p>22 A. No. That's other modules of Tyler suite of</p> <p>23 software would take care of that, and I was not</p> <p>24 responsible for those modules.</p> <p>25 Q. Can you explain for the record what the</p>  | <p>1 modules, so I would need to be familiar with those</p> <p>2 parameters and the way those modules worked generally</p> <p>3 but not specifically.</p> <p>4 Q. Were you involved in any of the</p> <p>5 implementations that may have been associated with</p> <p>6 those other modules?</p> <p>7 A. No.</p> <p>8 Q. So you were talking about -- we were talking</p> <p>9 about that initial call that you would have with the</p> <p>10 customer and how you were trying to gather information.</p> <p>11 A. Yes.</p> <p>12 Q. Tell me why that's necessary that you gather</p> <p>13 information for moving forward with the implementation.</p> <p>14 A. Because the first session that I would have</p> <p>15 with the client on-site would need to be a training</p> <p>16 session to train them on some of the set-up of their</p> <p>17 system, and in order to set up their system, I would</p> <p>18 need some information.</p> <p>19 Q. Can you give me an example of the type of</p> <p>20 information that you would want to gather?</p> <p>21 A. Yes. For example, the utility billing module</p> <p>22 I would need to know how many billing cycles there are.</p> <p>23 Q. And does that differ between clients?</p> <p>24 A. Yes. Yes.</p> <p>25 Q. What other kinds of things?</p>   |
| Page 37  | Page 39   |
| <p>1 parcels and permits module did?</p> <p>2 A. It kept track of parcels of land and any</p> <p>3 permits associated with those parcels of land and the</p> <p>4 customer or citizen that owned those parcels.</p> <p>5 Q. And what about the special assessments module?</p> <p>6 A. Special assessments was similar to the utility</p> <p>7 billing but involved special assessments of the</p> <p>8 property owner for improvements such as sidewalks,</p> <p>9 utility construction, roads, anything that the customer</p> <p>10 would be billed for or shared with other customers as</p> <p>11 part of their ownership of land.</p> <p>12 Q. So throughout your tenure at Tyler</p> <p>13 Technologies, the only modules you supported were</p> <p>14 utility billing, parcels and permits, and special</p> <p>15 assessments?</p> <p>16 A. Yes.</p> <p>17 Q. So do you have any knowledge about the</p> <p>18 implementation of any other modules that may exist at</p> <p>19 Tyler Technologies?</p> <p>20 A. Just what was necessary to do my job.</p> <p>21 Q. What do you mean by that?</p> <p>22 A. The modules that I supported interfaced with</p> <p>23 the accounts payable and accounts receivable and the</p> <p>24 general ledger, and there were some parameters that</p> <p>25 needed to be set up to interface correctly with those</p> | <p>1 A. How many meters there are, how the meters are</p> <p>2 read, how their calculations are performed to determine</p> <p>3 the bill amount. That varied per client, and the</p> <p>4 software was flexible enough to accommodate different</p> <p>5 methods of calculation, and so I would need to know</p> <p>6 that before I could set them up.</p> <p>7 Q. So you obtained this data and then you set</p> <p>8 these parameters up within the software?</p> <p>9 A. Yes.</p> <p>10 Q. And did that apply to only utility billing or</p> <p>11 would that apply to all the different modules you</p> <p>12 supported?</p> <p>13 A. It would apply to all the modules.</p> <p>14 Q. And did you ask these types of questions</p> <p>15 relating to utility billing, parcels and permits, and</p> <p>16 special assessments of every client in that first</p> <p>17 meeting or were sometimes they just getting one module</p> <p>18 or another module? Did that make sense?</p> <p>19 A. No.</p> <p>20 Q. Not a great question, was it? When you were</p> <p>21 doing implementing modules, was it typically just one</p> <p>22 of the modules you supported or was it sometimes</p> <p>23 multiple different ones like, for example, you would be</p> <p>24 doing utility billing and special assessments?</p> <p>25 A. One at a time.</p> |



THOMAS O'HAVER; May 18, 2010

13 (Pages 40 to 43)

| Page 40   | Page 42  |
|---|--|
| <p>1 Q. And how was that determined which particular</p> <p>2 module you would be implementing at any given time?</p> <p>3 A. My manager decided that.</p> <p>4 Q. So you have this initial meeting where you are</p> <p>5 asking questions, digging, getting information so you</p> <p>6 can set up the flexibility -- I'm sorry -- the</p> <p>7 different parameters within the software.</p> <p>8 A. Yes.</p> <p>9 MS. BAGLEY: Object to the form.</p> <p>10 Q. (BY MS. PERLIONI) What comes next? What do</p> <p>11 you do next in any implementation?</p> <p>12 A. Then I schedule the first training session and</p> <p>13 that's it.</p> <p>14 Q. After you've scheduled -- do you do anything</p> <p>15 to prepare for showing up for that first training</p> <p>16 session?</p> <p>17 A. Yes.</p> <p>18 Q. What do you do to prepare?</p> <p>19 A. I collect all the information that I gathered</p> <p>20 in that initial conference call and any information</p> <p>21 that I had from the other team members from the other</p> <p>22 groups and project manager, my manager, the conversion</p> <p>23 people, and put that into a -- fit that into the</p> <p>24 implementation plan that the company provided me to</p> <p>25 make sure that everything is accounted for; that it's</p>   | <p>1 was pretty well set in place. The first trip is a</p> <p>2 set-up session to set up the software to get ready to</p> <p>3 start training the end users.</p> <p>4 Q. What do you mean by set-up session? What does</p> <p>5 that entail?</p> <p>6 A. It involves parameters and formula creation</p> <p>7 and testing and parameter sets, switches, set-up forms</p> <p>8 that the end user would not normally see. That</p> <p>9 determines how the software works.</p> <p>10 Q. And you said during that meeting you met with</p> <p>11 whoever was the on-site technical contact?</p> <p>12 A. Yes.</p> <p>13 Q. So is it normally like an IT person or...</p> <p>14 A. It was normally an IT person and managers that</p> <p>15 knew about the way they did business.</p> <p>16 Q. So you go on-site for that meeting?</p> <p>17 A. Yes.</p> <p>18 Q. And you sat down with whether it's the IT</p> <p>19 person and maybe a manager who is going to be utilizing</p> <p>20 the project?</p> <p>21 A. Yes.</p> <p>22 Q. Excuse me. Product. And walk me through how</p> <p>23 you go about setting these parameters, the formulas,</p> <p>24 and then testing to make sure they work.</p> <p>25 A. We had a set checklist that the company</p>   |
| Page 41   | Page 43  |
| <p>1 in the state to which they are ready for an initial</p> <p>2 session of training.</p> <p>3 When they are -- that may take several back</p> <p>4 and forth inquiries to get all the information</p> <p>5 together, but when they are ready, then I go out to</p> <p>6 their site and set up a session and work with whoever</p> <p>7 they determine would be their main technical person to</p> <p>8 set up their system, and that may include several</p> <p>9 people.</p> <p>10 Q. I want to go back real quick. You said the</p> <p>11 implementation plan that the company provided you.</p> <p>12 A. Yes.</p> <p>13 Q. So you take the data that you gathered from</p> <p>14 your conversations with the client and then you revise</p> <p>15 that plan to make sure it accommodates what you've</p> <p>16 determined the needs are; is that correct?</p> <p>17 MS. BAGLEY: Object to the form.</p> <p>18 A. That's already usually determined what their</p> <p>19 needs are. They need to Go Live with new software.</p> <p>20 Q. (BY MS. PERLIONI) Right. But you said you</p> <p>21 would adapt that plan, that implementation plan, to</p> <p>22 accommodate whatever it is that you've discovered in</p> <p>23 your discussions with the clients.</p> <p>24 A. It would be minor adaptation based on where</p> <p>25 they're at and what their data looks like. The plan</p> | <p>1 provided me that was unique to the module and also</p> <p>2 unique to the type of implementation, whether it was an</p> <p>3 upgrade or a complete new install, and that checklist</p> <p>4 would be -- would be -- we'd use that checklist to go</p> <p>5 over and gather information and make the set-up changes</p> <p>6 necessary.</p> <p>7 Q. So give me an example of like one entry on the</p> <p>8 checklist. What would be one item that's listed on the</p> <p>9 checklist?</p> <p>10 A. Well, like I mentioned, for utility billing,</p> <p>11 it would be the number of billing cycles and when those</p> <p>12 bills would be sent out. It would also involve --</p> <p>13 another parameter would be when the meter reads are</p> <p>14 taken and whether they're taken manually or through an</p> <p>15 automated process, and then another parameter would be</p> <p>16 or another setting would be how is their bill</p> <p>17 calculated?</p> <p>18 There would be many of those types of</p> <p>19 parameters based upon the module that would need to be</p> <p>20 set up before we train their end users.</p> <p>21 Q. So the checklist identifies these topics, and</p> <p>22 then you sitting down with the manager and the IT</p> <p>23 person from the client talk through how they do things</p> <p>24 and how they are going to do things going forward and</p> <p>25 then you configure the software to meet their needs?</p> |



THOMAS O'HAVER; May 18, 2010

14 (Pages 44 to 47)

| Page 44  | Page 46   |
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| <p>1 A. Correct.</p> <p>2 Q. So approximately how long does this particular</p> <p>3 set-up meeting last?</p> <p>4 A. That varied for the client and the size of the</p> <p>5 implementation, but usually it was a one-week session</p> <p>6 involving four days on-site.</p> <p>7 Q. Four days on-site for the set-up alone?</p> <p>8 A. Yes.</p> <p>9 Q. Why does the set-up take so long?</p> <p>10 A. Because the software is very customizable, and</p> <p>11 it's generic software to meet the needs of different</p> <p>12 types of people, different types of end users, and,</p> <p>13 therefore, there are many screens and many set-ups and</p> <p>14 many testing and back and forth iterations to be set up</p> <p>15 in order to make it work.</p> <p>16 Q. So it's not just going through -- you're also</p> <p>17 then testing -- is there data already in the software</p> <p>18 at that point?</p> <p>19 A. Yes. At that point they would have had at</p> <p>20 least one conversion.</p> <p>21 Q. So the data is there. Now you're actually</p> <p>22 setting it all up so it meets their needs?</p> <p>23 A. Correct.</p> <p>24 Q. And what kind of testing do you do to ensure</p> <p>25 things are working accurately?</p>   | <p>1 I would determine the capability of the</p> <p>2 software versus their way of doing things, and if the</p> <p>3 software would do things exactly the way that they were</p> <p>4 used to doing it, there would be no discussion</p> <p>5 necessary, but if there would be any variation in that,</p> <p>6 then I would consult with my manager to come up with a</p> <p>7 plan of implementation.</p> <p>8 Q. So the only time you do that, though, is if</p> <p>9 you've already determined that what they're wanting is</p> <p>10 not within the capabilities of the software?</p> <p>11 A. Well, not necessarily the capability of the</p> <p>12 software but not the -- maybe not the -- that the</p> <p>13 software doesn't exactly work the way that they're used</p> <p>14 to seeing it work in their old version or old software.</p> <p>15 If it was any departure from the way they normally do</p> <p>16 business, then I would consult with my manager to</p> <p>17 determine what the best approach would be.</p> <p>18 Q. How often, I mean, during one of these setting</p> <p>19 up sessions do you call your manager?</p> <p>20 A. I was in touch with the manager every day and</p> <p>21 the project manager.</p> <p>22 Q. That was not my question. I mean where you</p> <p>23 call in to discuss with your manager different</p> <p>24 variations or possibilities for an issue that has</p> <p>25 arisen with a client where you need to follow up and</p> |
| Page 45  | Page 47   |
| <p>1 A. I compare the results of our program to their</p> <p>2 existing program numbers and screens and totals that</p> <p>3 they have for specific clients or -- yeah -- for</p> <p>4 specific test situations.</p> <p>5 Q. And you mentioned there are different</p> <p>6 iterations. That was your word. I'm not sure what</p> <p>7 that meant.</p> <p>8 A. Different cycles, different billing periods,</p> <p>9 different combinations of permits perhaps, different</p> <p>10 combination of special assessments, so it varied based</p> <p>11 on the module.</p> <p>12 Q. So you go out there and set -- you know,</p> <p>13 engage in this interactive process with the client, and</p> <p>14 then you work through and set the parameters up like</p> <p>15 you've mentioned. How do you go about deciding, okay,</p> <p>16 we need to go back and test this or here's where we</p> <p>17 might have problems or if you have to recommending</p> <p>18 certain preferences over others? I mean, what does</p> <p>19 that involve and how do you know how to do that?</p> <p>20 MS. BAGLEY: Form.</p> <p>21 A. I would consult with my manager.</p> <p>22 Q. (BY MS. PERLIONI) On what types of things?</p> <p>23 A. What the best methodology to use for this</p> <p>24 client if I were to recommend something different than</p> <p>25 they're used to doing.</p> | <p>1 have those discussions.</p> <p>2 A. It varied. It varied based on the client, the</p> <p>3 module, the availability of my manager, the</p> <p>4 complexities of the implementation, so I can't really</p> <p>5 give you a number, but I was in touch by e-mail and</p> <p>6 usually every day by e-mail and maybe a couple times</p> <p>7 during the week an implementation session by voice mail</p> <p>8 -- by voice with my manager and/or the project manager.</p> <p>9 Q. And is that sometimes just providing just</p> <p>10 status, here's where we are?</p> <p>11 A. Yes. In most cases, it would be providing the</p> <p>12 status in the case of the e-mails.</p> <p>13 Q. So you said this is typically four days for</p> <p>14 this initial going in and setting up the software; is</p> <p>15 that correct?</p> <p>16 A. Depends on the module and the complexity of</p> <p>17 the implementation. Sometimes it would take two set-up</p> <p>18 sessions.</p> <p>19 Q. Were you typically there as the sole Tyler</p> <p>20 Technologies representative? I mean, I understand</p> <p>21 you're meeting with people from the client, but I'm</p> <p>22 just wondering from the perspective of a Tyler</p> <p>23 representative, were you there by yourself?</p> <p>24 A. That varied. Many times I would be.</p> <p>25 Sometimes I would be there with the project manager,</p>  |

THOMAS O'HAVER; May 18, 2010

15 (Pages 48 to 51)

| Page 48  | Page 50  |
|--|--|
| <p>1 sometimes I'd be there with my manager, and sometimes</p> <p>2 I'd be there with the data people.</p> <p>3 Q. Why would you -- so on these occasions where</p> <p>4 someone went with you, typically why was someone going</p> <p>5 with you?</p> <p>6 A. The size of the implementation. If it was a</p> <p>7 very large client, we may have to have more than one</p> <p>8 session going on at a time.</p> <p>9 Q. So the Tyler representative that is there is</p> <p>10 in a different room doing something different than what</p> <p>11 you're doing?</p> <p>12 A. Yeah.</p> <p>13 Q. So at the end of this time period where you're</p> <p>14 meeting with the client for the set-up, what happens as</p> <p>15 that -- those four days or whatever it takes come to a</p> <p>16 conclusion? What happens next?</p> <p>17 A. Then I go back either to the office or to</p> <p>18 another client session the next week after reporting to</p> <p>19 my manager and to the project manager what occurred</p> <p>20 during this implementation session and documenting</p> <p>21 everything that went on. There was a documentation --</p> <p>22 document that was produced every session that we had.</p> <p>23 Q. Follow-up memo?</p> <p>24 A. Follow-up memo, right.</p> <p>25 Q. So you finished this week. You prepared your</p>   | <p>1 Q. So what would you have to do if you determined</p> <p>2 that it was more complex than the typical formula?</p> <p>3 A. Usually involved some testing of formulas, and</p> <p>4 a lot of that could happen back at the office as a</p> <p>5 result of the visit before the next visit.</p> <p>6 Q. So if it's something like that where you</p> <p>7 decide the formula for calculating was more complex</p> <p>8 than what you typically see, then you might have</p> <p>9 someone back at the office do some underlying or</p> <p>10 additional testing to see if it works with --</p> <p>11 A. Yeah.</p> <p>12 Q. -- the software; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. So then can you describe what you -- so</p> <p>15 there's this next step in the implementation process</p> <p>16 that's planned. Do you do any preparation before that</p> <p>17 next step, the next client meeting?</p> <p>18 A. Yes. I send out an agenda based upon what was</p> <p>19 accomplished the first time and what needs to be</p> <p>20 accomplished the next time as specified in our standard</p> <p>21 implementation plan.</p> <p>22 Q. Do you tailor the implementation plan when you</p> <p>23 set up the agenda so, you know, it's tailored to what</p> <p>24 you actually accomplished before and what you expect to</p> <p>25 accomplish on this particular trip?</p> |
| Page 49  | Page 51  |
| <p>1 follow-up memo. What do you do to plan for the next</p> <p>2 session with any particular client?</p> <p>3 A. There would have been an implementation plan</p> <p>4 in place from our initial meeting, and if nothing has</p> <p>5 changed, then I just plan for that next implementation</p> <p>6 session.</p> <p>7 Q. What could change? What could have changed?</p> <p>8 A. There could have been some unexpected delays</p> <p>9 in the set-up or some complexities that kept us from</p> <p>10 being completed, and that could have been data problems</p> <p>11 or it could have been procedural developments that we</p> <p>12 did not know about until we got on-site.</p> <p>13 Q. So were these things you discovered or that</p> <p>14 you were looking for when you were doing the testing?</p> <p>15 A. They're things that I discovered. I didn't</p> <p>16 necessarily look for them, but many times, you know,</p> <p>17 it's like life. Things come up, and during the initial</p> <p>18 set-up session, we may have discovered something that</p> <p>19 they didn't tell us about before.</p> <p>20 Q. Like what kind of things? Can you give me an</p> <p>21 example?</p> <p>22 A. Oh, maybe their formula, their method of</p> <p>23 calculating the consumption and the billing for a</p> <p>24 utility billing was more complex than what we normally</p> <p>25 dealt with.</p> | <p>1 A. Yes.</p> <p>2 Q. When you said you send that out, is that sent</p> <p>3 to the client?</p> <p>4 A. Yes.</p> <p>5 Q. Do you come up with any homework or premeeting</p> <p>6 work that you ask the client to do?</p> <p>7 A. Sometimes.</p> <p>8 Q. What kind of things would you ask the client</p> <p>9 to do before you arrive for the next step in the</p> <p>10 implementation?</p> <p>11 A. If it was another set-up session, then I would</p> <p>12 have them collect the information necessary to set up</p> <p>13 the -- complete the set-up that is scheduled to be done</p> <p>14 in that session, and that may involve them doing some</p> <p>15 homework to gather numbers of customers, numbers of</p> <p>16 meters, types of meters, the cycles of when the meters</p> <p>17 are read, how they are read. It goes on and on.</p> <p>18 It depends on what needs to be done, but</p> <p>19 typically I would request them to have information.</p> <p>20 They didn't always have it when I got there, however.</p> <p>21 Q. You'd like for them to be prepared, right?</p> <p>22 A. Yes. Homework -- I had no authority as an</p> <p>23 instructor to enforce their homework, so many times</p> <p>24 on-site it would be checking that information, but,</p> <p>25 yeah, I would assign homework.</p>  |

THOMAS O'HAVER; May 18, 2010

16 (Pages 52 to 55)

| Page 52  | Page 54  |
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| <p>1 Q. And would that be based on your prior set-up?</p> <p>2 A. Yes.</p> <p>3 Q. So things you determined needed follow-up or</p> <p>4 additional set-up, you would identify those for them?</p> <p>5 A. Well, things I would determine in the</p> <p>6 implementation plan that was given me.</p> <p>7 Q. So are you saying that everything you were</p> <p>8 asking your client to go look for and prepare for came</p> <p>9 straight from the implementation plan? You didn't</p> <p>10 create the list for your client I need X, Y, Z?</p> <p>11 A. I did not typically create that from scratch,</p> <p>12 no.</p> <p>13 Q. Where did it come from?</p> <p>14 A. From the client implementation plan that I was</p> <p>15 given from the module.</p> <p>16 Q. Did you look at that plan and pull out those</p> <p>17 specific things for this particular client that you</p> <p>18 still needed for the next set-up?</p> <p>19 A. Yes.</p> <p>20 Q. You get there. How often does everything go</p> <p>21 exactly as you expected? You get there, the client is</p> <p>22 prepared, has every bit of information you need.</p> <p>23 A. Oh, I can't really give a definite answer to</p> <p>24 that, but many times it would go smoothly. Sometimes</p> <p>25 it would not.</p>     | <p>1 A. It depends on the size of the group. Usually</p> <p>2 it was a classroom situation and PowerPoint using the</p> <p>3 material that I was given for the implementation.</p> <p>4 Q. What material are you referring to?</p> <p>5 A. PowerPoint screen shots and curriculum.</p> <p>6 Q. So I'm trying to understand. Are you saying</p> <p>7 that you did not create any PowerPoints for any of the</p> <p>8 presentations or training sessions you did?</p> <p>9 A. No. I may have modified some to include some</p> <p>10 screen shots or some specific points that a client was</p> <p>11 having trouble with, but I used PowerPoints and other</p> <p>12 materials that were given to me by the company.</p> <p>13 Q. What about the curriculum? Do you modify that</p> <p>14 as well based on what you're seeing with individuals</p> <p>15 that you're training?</p> <p>16 A. Not usually.</p> <p>17 Q. So you never had to vary from a set curriculum</p> <p>18 for the training that you're giving?</p> <p>19 A. No. There were times when I would elaborate</p> <p>20 on certain aspects or add or modify based upon the end</p> <p>21 users' special conditions or knowledge.</p> <p>22 Q. And how did you determine whether you needed</p> <p>23 to elaborate or modify?</p> <p>24 A. From feedback during the training session and</p> <p>25 during the preliminary sessions.</p> |
| Page 53  | Page 55  |
| <p>1 Q. Can you tell me -- give me some examples of</p> <p>2 when you get there and everything is completely</p> <p>3 different than you expected where you had to really</p> <p>4 change course and do whatever it takes to get something</p> <p>5 done?</p> <p>6 MS. BAGLEY: Object to the form.</p> <p>7 A. There might be a situation where a client or a</p> <p>8 group of the people were not present because they had</p> <p>9 something else that conflicted with the training</p> <p>10 session.</p> <p>11 Therefore, I'd have to change my schedule to</p> <p>12 accommodate maybe two sessions of people that had to be</p> <p>13 rotated because people had to be on the phone or be in</p> <p>14 production producing something, because they didn't</p> <p>15 come away from their jobs necessarily to come to class.</p> <p>16 They had to rotate into the sessions sometimes, and so</p> <p>17 I'd have to schedule maybe two sessions of training</p> <p>18 when I had to plan for one.</p> <p>19 Q. (BY MS. PERLIONI) How did you conduct the</p> <p>20 training? I mean, is this classroom style?</p> <p>21 PowerPoint? Lecture? Sitting down at computers?</p> <p>22 A. Yes.</p> <p>23 Q. All of the above?</p> <p>24 A. Yes.</p> <p>25 Q. What was your strategy?</p> | <p>1 Q. Feedback from the client?</p> <p>2 A. Yeah. And the project manager and my manager.</p> <p>3 Q. Going in, you said you used PowerPoint but</p> <p>4 that you modified it some. What -- if you're --</p> <p>5 A. I may have modified it.</p> <p>6 Q. What kind of things would you -- if you look</p> <p>7 at the standard PowerPoint, what kind of things would</p> <p>8 you say, you know what, for this client, I need to</p> <p>9 modify the PowerPoint to reflect whatever it is? What</p> <p>10 kind of things would you do?</p> <p>11 A. I can't recall anything specific, but it may</p> <p>12 have involved more detail on some aspects of the set-up</p> <p>13 or the operation that was unique for the client.</p> <p>14 If they were not accustomed to the screens, it</p> <p>15 may have more screen shots for them. If they were</p> <p>16 coming from a different software altogether from Tyler,</p> <p>17 then I would give them more detail on the way Tyler did</p> <p>18 things as opposed to the way they're used to doing</p> <p>19 things.</p> <p>20 Q. Are those things you determined based on your</p> <p>21 interactions you'd had with the client where you were</p> <p>22 information gathering?</p> <p>23 A. That and what the project manager and my</p> <p>24 manager determined.</p> <p>25 Q. So is that a collaborative effort between you,</p>             |



THOMAS O'HAVER; May 18, 2010

17 (Pages 56 to 59)

| Page 56   | Page 58  |
|---|--|
| <p>1 your project manager, and your manager?</p> <p>2 A. Yes.</p> <p>3 Q. When you talked about you may elaborate or</p> <p>4 modify based on the end user, do you know that going in</p> <p>5 or is that something as you're sitting down with the</p> <p>6 end user you're watching them and trying to determine</p> <p>7 how much they're grasping or a combination?</p> <p>8 A. Combination.</p> <p>9 Q. Can you walk me through? I mean, what is it</p> <p>10 that you do to try to figure out how well your end user</p> <p>11 is grasping what you're trying to train them on?</p> <p>12 A. Well, I've been trained as a technical</p> <p>13 trainer, and I am able to determine usually if the</p> <p>14 students are grasping what I'm teaching, and I usually</p> <p>15 ask for a lot of feedback during the training and</p> <p>16 observe what they do during their practice sessions</p> <p>17 that go along with the training, and I may modify my</p> <p>18 training based upon what I observe, but it all follows</p> <p>19 the planned curriculum that we have that has been</p> <p>20 provided to me by the company.</p> <p>21 Q. What is that planned curriculum you're talking</p> <p>22 about?</p> <p>23 A. Depending on the session, the set-up would be</p> <p>24 to get everything all set up for the software to</p> <p>25 operate. If it's -- the end user training is getting</p>  | <p>1 Q. What type of curriculum are you referring to?</p> <p>2 A. Written print-outs that we print out for them</p> <p>3 to follow along while I lecture.</p> <p>4 Q. So that's a hand-out you give to them?</p> <p>5 A. Yeah.</p> <p>6 Q. How do you determine the best way to lecture</p> <p>7 the end users on the particular hand-outs that you've</p> <p>8 given?</p> <p>9 A. I'm trained on the standard way of conducting</p> <p>10 the session.</p> <p>11 Q. What do you mean by that? What type of</p> <p>12 training are you referring to?</p> <p>13 A. With the PowerPoint presentation that</p> <p>14 incorporates -- that follows the curriculum and</p> <p>15 incorporates screen shots and the information that they</p> <p>16 have given me for set-up and billing and permitting or</p> <p>17 special assessment parameters that they -- parameters</p> <p>18 and operational methodologies that they do -- they</p> <p>19 utilize.</p> <p>20 Q. Do you utilize a PowerPoint in every one of</p> <p>21 your training sessions?</p> <p>22 A. Yes.</p> <p>23 Q. Do you also utilize someone at the -- or work</p> <p>24 with someone at their computer or at a computer?</p> <p>25 A. Yes.</p>  |
| Page 57   | Page 59  |
| <p>1 the end user familiar with all the screens necessary to</p> <p>2 do their job. If it's the billing session, it's</p> <p>3 getting the users familiar and having the system go</p> <p>4 through a complete billing cycle and come out with</p> <p>5 bills, so it depends on the session.</p> <p>6 Q. So you take that curriculum and then you go in</p> <p>7 and figure out how to determine to best train the</p> <p>8 particular end users?</p> <p>9 MS. BAGLEY: Object to the form.</p> <p>10 A. I may determine the best way of training if</p> <p>11 there's any deviation from the standard, but that would</p> <p>12 -- any deviation would be not totally my decision. It</p> <p>13 would be based upon what the project manager and my</p> <p>14 manager and myself agreed would be best.</p> <p>15 Q. (BY MS. PERLIONI) I'm not really talking about</p> <p>16 deviation from. You mentioned earlier, you know,</p> <p>17 having a session where you're working with the end user</p> <p>18 on helping them understand the different screens</p> <p>19 available in a particular module, so I'm not saying</p> <p>20 deviate from that, but how do you determine how to</p> <p>21 present that to them in a way that would effectively</p> <p>22 train them on being able to utilize that and understand</p> <p>23 the screen shots?</p> <p>24 A. We have PowerPoints and curriculum that are</p> <p>25 standard for the module training session.</p> | <p>1 Q. What does that involve when you have someone</p> <p>2 at a computer? What do you do then?</p> <p>3 A. Well, the software is computer software, so</p> <p>4 we're training them on the operation of the software or</p> <p>5 the set-up or the production of end products from their</p> <p>6 computer, so at all times they're at a computer.</p> <p>7 Q. Does that mean that they're sort of playing</p> <p>8 around with the different screens and module itself?</p> <p>9 A. They can be depending on what they're doing,</p> <p>10 trying different alternatives. Usually it's a flow of</p> <p>11 operational processes that are involved in completing</p> <p>12 their task.</p> <p>13 Q. So are they inputting things into the</p> <p>14 computer?</p> <p>15 A. Inputting and analyzing the results of their</p> <p>16 input and producing results through the software and</p> <p>17 launching a process possibly.</p> <p>18 Q. Is this live data?</p> <p>19 A. Yes.</p> <p>20 Q. So they're actually in their system practicing</p> <p>21 and training with live data?</p> <p>22 A. The way the implementation is done is there's</p> <p>23 an initial training on their data in a test environment</p> <p>24 that's not live to their final results, but at some</p> <p>25 point we Go Live, and that's usually the last session</p> |

THOMAS O'HAVER; May 18, 2010

18 (Pages 60 to 63)

| Page 60   | Page 62  |
|---|--|
| <p>1 where after they have gone through all the practice<br/>2 sessions and their billing and software works<br/>3 correctly, they come out with the same numbers as<br/>4 they're used to seeing, then we do a cutover to the<br/>5 live data, and that may involve a Go Live conversion of<br/>6 the data by our conversion people so that when I go out<br/>7 for that session, then they are live with that -- with<br/>8 their data on that session. That's usually the last<br/>9 session.</p> <p>10 Q. So where they're tinkering around, though --<br/>11 A. It's usually a test. It's something that<br/>12 wouldn't modify their data. There are some things they<br/>13 can do on their live data that doesn't change anything.</p> <p>14 Q. Because they're tinkering around. You don't<br/>15 want them to mess up all the data, right?<br/>16 A. Right.</p> <p>17 Q. As they're tinkering around, are you standing<br/>18 over their shoulder helping them with things? I mean,<br/>19 how does that -- giving them, you know, tips on where<br/>20 they go next and what happens if they do certain things<br/>21 within the software?<br/>22 A. That may be a scenario that happens, yeah,<br/>23 during some of their -- if they're a small group that I<br/>24 can do that with. Usually they watch me do things, and<br/>25 then I walk around the room as they're going through</p> | <p>1 recognize the documents that I've handed you marked<br/>2 Deposition Exhibits 13 and 14?<br/>3 A. (Reviewing). As a cover letter and resume<br/>4 that I had sent to Tyler.<br/>5 Q. So just for the record -- and tell me if I'm<br/>6 correct on this -- Deposition Exhibit 13 is a cover<br/>7 letter that you sent to Tyler Technologies?<br/>8 A. Yes.<br/>9 Q. And Deposition Exhibit 14 is a copy of a<br/>10 resume you submitted to Tyler Technologies?<br/>11 A. It's a copy of a resume. I have no way of<br/>12 knowing if this is the one I sent to Tyler except that<br/>13 you have it, so I must have.<br/>14 Q. Looking at Deposition Exhibit 14, does that<br/>15 appear to be a true and correct copy of a resume that<br/>16 you prepared and utilized in searching for employment?<br/>17 A. Yes.<br/>18 Q. So no reason to dispute that you submitted it<br/>19 to Tyler Technologies?<br/>20 A. Right. Right.<br/>21 Q. There's not a date on Deposition Exhibit 13.<br/>22 Obviously this was submitted after your employment with<br/>23 Tyler Technologies ended, because it includes work with<br/>24 Jones &amp; Jones Architect, 2007 to the present, which was<br/>25 post-Tyler employment, correct?</p>   |
| Page 61   | Page 63  |
| <p>1 their practice session and observe what they're doing<br/>2 and answer any questions.</p> <p>3 Q. So you actually -- so your screen is projected<br/>4 somehow?<br/>5 A. Yes.<br/>6 Q. And you're working through the software and<br/>7 showing them different nuances in the software?<br/>8 A. Yes.<br/>9 Q. And then you step back and watch them trying<br/>10 to do it on their own computer terminal?<br/>11 A. That is one scenario that could happen, yes.<br/>12 Q. What other kinds of scenarios might there be?<br/>13 A. If it's a small group, there may not be a<br/>14 projection. It may just be two or three people being<br/>15 trained, and they would watch me over my shoulder do<br/>16 some things, and then they'd go back to their computers<br/>17 and then I would watch them.</p> <p>18 Q. Throughout this time, you're interacting with<br/>19 them answering whatever questions they may have?<br/>20 A. Yes. I would be their trainer.<br/>21 (Deposition Exhibits 13 and 14 were<br/>22 marked for identification.)<br/>23 Q. (BY MS. PERLIONI) I'm going to hand you two<br/>24 documents. One I'm marking Deposition Exhibit 13 and<br/>25 the other I'm marking Deposition Exhibit 14. Do you</p>  | <p>1 A. Correct.<br/>2 Q. Do you know when you submitted Deposition<br/>3 Exhibits 13 and 14 to Tyler Technologies?<br/>4 A. No.<br/>5 Q. But we can at least confirm that this<br/>6 Deposition Exhibit 13 and 14 was a cover letter and<br/>7 resume you submitted after your employment with Tyler<br/>8 Technologies ended and at some point in time in an<br/>9 effort to come back to work with Tyler Technologies?<br/>10 A. Yes.<br/>11 Q. I want to go back real quick.<br/>12 (Deposition Exhibit 15 was marked for<br/>13 identification.)<br/>14 Q. (BY MS. PERLIONI) I'm going to hand you<br/>15 another document, and it's actually a compilation of<br/>16 documents, but if you'll take a look, I'm marking them<br/>17 Deposition Exhibit 15. I'm looking at Deposition<br/>18 Exhibit 12 and Deposition Exhibit 15. You need to have<br/>19 these at your fingertips. I just want to get a salary<br/>20 history if you will relating to your employment tenure<br/>21 with Tyler Technologies. If you look at Deposition<br/>22 Exhibit 12, it indicates on here that you would have a<br/>23 starting base salary of \$60,000. Do you see that?<br/>24 A. Yes.<br/>25 Q. Do you recall that as being your salary when</p> |



THOMAS O'HAVER; May 18, 2010

20 (Pages 68 to 71)

| Page 68  | Page 70   |
|--|---|
| <p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. So parcels, permits and inspections, water and</p> <p>4 sewer utility billings, special assessments, customer</p> <p>5 requests, and crystal reports. It looks to me -- and</p> <p>6 you tell me if I'm misunderstanding -- to be more</p> <p>7 modules than you told me earlier that you supported</p> <p>8 with Tyler Technologies.</p> <p>9 A. There is one that I didn't mention earlier,</p> <p>10 the customer requests. I had started to prepare for</p> <p>11 that module. I don't believe I ever implemented that</p> <p>12 for Tyler, so I didn't include it in the previous list.</p> <p>13 Crystal reports, I put that in there. It's</p> <p>14 not a separate module. It's a way of reporting on any</p> <p>15 of the other modules, but the positions that I was</p> <p>16 applying for evidently required or wanted crystal</p> <p>17 report experience, so I highlighted that in there as a</p> <p>18 module.</p> <p>19 It was kind of in that gray area. We did</p> <p>20 offer crystal reports training separate from our other</p> <p>21 modules, and I did use crystal reports quite a bit in</p> <p>22 the implementation, because that's the way reports were</p> <p>23 produced from all the products.</p> <p>24 Q. Can you explain what it is?</p> <p>25 A. It's a reporting package that's a generic</p>                                      | <p>1 structured query language, to identify problems within</p> <p>2 the Tyler software programs?</p> <p>3 A. It would be problems with the data.</p> <p>4 Q. The client's data?</p> <p>5 A. Yeah. And that could have been their fault or</p> <p>6 it could have been the conversion people's. It varied.</p> <p>7 Q. Looking at the data, how do you identify</p> <p>8 whether or not something is a problem?</p> <p>9 A. If it didn't agree with what appeared on their</p> <p>10 forms through the software, Tyler software.</p> <p>11 Q. Were you spot-checking or how did you</p> <p>12 determine to go in and do this testing using this SQL?</p> <p>13 A. Part of my responsibility would be to look at</p> <p>14 their bills and make sure that the customer was being</p> <p>15 billed the proper amount for the proper consumption or</p> <p>16 usage or permit fee or assessment, and all of that</p> <p>17 information is stored in the database and/or calculated</p> <p>18 through the formulas, and so I would compare the result</p> <p>19 that the program came out with on the forms or the</p> <p>20 reports with what the database had, and sometimes that</p> <p>21 would involve SQL query interaction with the database.</p> <p>22 Q. When you said customer in your answer just</p> <p>23 then, I'm assuming that's the customer of --</p> <p>24 A. Of the client.</p> <p>25 Q. Of the client?</p> |
| Page 69  | Page 71   |
| <p>1 reporting database reporting tool that many companies</p> <p>2 used, and Tyler used it as their reporting engine for</p> <p>3 their financial modules.</p> <p>4 Q. Look below on other duties. Can you explain</p> <p>5 -- the first one says "use of SQL, structured query</p> <p>6 language, to access relational database information."</p> <p>7 Can you explain what that means?</p> <p>8 A. The information -- their data was actually</p> <p>9 stored in a relational database. It was either a SQL</p> <p>10 server or Oracle.</p> <p>11 During that process of the implementation that</p> <p>12 I was involved with, I had to access their data in ways</p> <p>13 other than the forms that we were provided in the</p> <p>14 software did, and that was through SQL commands, and so</p> <p>15 I was trained and familiar with accessing the data by</p> <p>16 using SQL commands.</p> <p>17 Q. Why did you need to do that?</p> <p>18 A. To check the accuracy of the forms and make</p> <p>19 sure that it was retrieving the data correctly, and</p> <p>20 sometimes when it wasn't, then I would report to the</p> <p>21 conversion people a problem or inconsistency, and that</p> <p>22 was part of my responsibility to if there was any</p> <p>23 inconsistency or problem to report that to the data</p> <p>24 conversion.</p> <p>25 Q. So you were using this different language,</p> | <p>1 A. Yeah. Rather than the client themselves.</p> <p>2 Q. Right. And how would you decide when you</p> <p>3 needed to use the SQL as opposed to something else?</p> <p>4 A. Usually it was in testing or in</p> <p>5 troubleshooting an inconsistency.</p> <p>6 Q. Looking at the second entry on your resume,</p> <p>7 "using ERD, entity relationship diagram, schemas to</p> <p>8 create and interpret SQL," what does that mean?</p> <p>9 A. ERD schemas, that's a database term. That</p> <p>10 means a plan -- a diagram of a database. Schema is a</p> <p>11 diagram of the data like an org chart for the way the</p> <p>12 data is stored.</p> <p>13 I used the entity relationship diagrams, which</p> <p>14 is another way of showing relationships between things</p> <p>15 that are important in the database such as customer or</p> <p>16 order, consumption, address, you know, just different</p> <p>17 components that are stored in the database and how</p> <p>18 those relate to each other.</p> <p>19 Entity relationship diagrams, they're diagrams</p> <p>20 of how things relate. Like the customer would have one</p> <p>21 address, so it would be a one-to-one relationship. The</p> <p>22 customer may have many bills, so there would be</p> <p>23 one-to-many relationship between the customer and his</p> <p>24 bills.</p> <p>25 So those diagrams present the relationships</p>        |



THOMAS O'HAVER; May 18, 2010

21 (Pages 72 to 75)

| Page 72   | Page 74  |
|---|--|
| <p>1 between those entities in the database. It happened to</p> <p>2 be tables and structures of tables and data.</p> <p>3 Q. What are you looking for in these schemas?</p> <p>4 A. Well, I would be using those to determine</p> <p>5 again in testing and in determining any consistencies</p> <p>6 or inconsistencies of the data.</p> <p>7 Part of my job -- since the data conversion</p> <p>8 people did not go out after the initial conversion</p> <p>9 usually and I was the on-site person, part of my</p> <p>10 secondary responsibilities would be to identify any</p> <p>11 inconsistencies in the data and relay that to the data</p> <p>12 conversion group.</p> <p>13 Q. What do you mean when you say create and</p> <p>14 interpret SQL?</p> <p>15 A. SQL is a command language, and so I would</p> <p>16 create the commands that would retrieve the data in the</p> <p>17 right way.</p> <p>18 Q. How did you know how to do that?</p> <p>19 A. I had previously worked for a database</p> <p>20 company, Oracle Corporation.</p> <p>21 Q. So based on prior experience and knowledge?</p> <p>22 A. Yes.</p> <p>23 Q. What is this creating customized training</p> <p>24 documentation?</p> <p>25 A. That's a general statement. Like I mentioned</p>   | <p>1 already familiar with in order to make the training</p> <p>2 flow better, but for the most part, the training</p> <p>3 material was already created for me.</p> <p>4 Q. (BY MS. PERLIONI) You know, I want to make</p> <p>5 sure I understand. Is it that there's multiple</p> <p>6 different types of training material already created</p> <p>7 and you pick amongst those and develop the specific</p> <p>8 package you're going to utilize with that client?</p> <p>9 A. No. There's training material for each of the</p> <p>10 modules, and depending on the module I'm training on, I</p> <p>11 would take that training material and see if there's</p> <p>12 anything that needs to be done to it to make it fit</p> <p>13 better to the client.</p> <p>14 Q. The next bullet point on your resume that you</p> <p>15 submitted to Tyler says "InForum Gold DIS integration,"</p> <p>16 and then in parentheses it's geographic information</p> <p>17 systems. I assume GIS is the acronym that stands for</p> <p>18 that.</p> <p>19 A. Yes.</p> <p>20 Q. What do you mean by that? What are you</p> <p>21 representing there?</p> <p>22 A. Okay. With their software, which was called</p> <p>23 InForum Gold, which included the many modules that</p> <p>24 Tyler sold, including the ones that I supported, there</p> <p>25 was an interface to many of the modules that was a</p>   |
| Page 73   | Page 75  |
| <p>1 earlier, for the most part, the training documentation</p> <p>2 was provided to me, but I would be responsible for</p> <p>3 creating any modifications or customizations for -- of</p> <p>4 that training material. It would be given to me in a</p> <p>5 soft format where I could make some changes if</p> <p>6 necessary, but normally that was not necessary.</p> <p>7 Q. What do you mean normally it was not</p> <p>8 necessary? So you didn't tinker with the standard</p> <p>9 training material for most of the clients you went out</p> <p>10 to implement?</p> <p>11 MS. BAGLEY: Object to the form.</p> <p>12 A. Correct. Yeah. The ideal situation would be</p> <p>13 to use the curriculum and the training materials in the</p> <p>14 way that it was originally developed, but everything's</p> <p>15 different, you know, when you get out in real life.</p> <p>16 Like I said, there may be -- for that</p> <p>17 particular client, there may be some different</p> <p>18 parameters that need to be set or different training,</p> <p>19 more training that needs to be done or more screens</p> <p>20 shown to a specific client that's not used to the</p> <p>21 software as opposed to those that were used to the</p> <p>22 software the way Tyler did things previously.</p> <p>23 So I may include more screen shots or more</p> <p>24 detail on a specific topic, so I might flush out</p> <p>25 something or eliminate something that I knew they were</p> | <p>1 geographic interface where we could produce a map that</p> <p>2 showed a customer or a parcel or a water meter or a</p> <p>3 sewer manhole or something on a drawing, and you could</p> <p>4 inquire on that map and get the customer's information</p> <p>5 or you could inquire the customer's name and get a map,</p> <p>6 so you could go from the picture to the word or the</p> <p>7 word to the picture. That interface is called a</p> <p>8 geographic information system interface.</p> <p>9 Some of my further background was geographic</p> <p>10 information systems, and so I was highlighting that</p> <p>11 because I was familiar with that interface that Tyler</p> <p>12 provided to the client.</p> <p>13 Q. On your resume, it represents that you were --</p> <p>14 something about an integration of that system.</p> <p>15 A. Yes. That involved setting that up in order</p> <p>16 for them to use that. It was part of the software, but</p> <p>17 not everyone used it, so if they were interested in</p> <p>18 using that integration, it would need to have -- be set</p> <p>19 up to do so, and I did that.</p> <p>20 Q. The next bullet point, "integration with other</p> <p>21 financial accounting modules and systems, i.e.,</p> <p>22 cashiery, general ledger, accounts payable,</p> <p>23 purchasing, accounts receivable, project accounting,</p> <p>24 fixed assets, inventory, and personal modules, i.e.,</p> <p>25 payroll, human resources, applicant tracking," can you</p> |

THOMAS O'HAYER; May 18, 2010

28 (Pages 100 to 103)

| Page 100   | Page 102   |
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| <p>1 Q. You had mentioned that you were tracking</p> <p>2 in-office time that's not billable.</p> <p>3 A. Right.</p> <p>4 Q. Why wouldn't you record the out-of-office time</p> <p>5 even though it's not billable?</p> <p>6 MS. BAGLEY: Form.</p> <p>7 A. I mentioned that in-office time it was</p> <p>8 billable.</p> <p>9 Q. (BY MS. PERLIONI) I'm sorry. I didn't</p> <p>10 recognize that distinction.</p> <p>11 A. Yeah. If there was office time that was</p> <p>12 billable that I could do in the office, I reported</p> <p>13 that.</p> <p>14 Q. So on your time sheet, you wouldn't include</p> <p>15 any time, say, you were in the office working but you</p> <p>16 didn't view that as being billable towards a client?</p> <p>17 A. I wouldn't record that for the client, no. I</p> <p>18 would record it as just office time.</p> <p>19 Q. And then now I'm trying to understand. So</p> <p>20 when you're at a client's, you're in the hotel after</p> <p>21 evenings -- I'm sorry -- after working with the client</p> <p>22 and you're preparing for the next day, that time, would</p> <p>23 you record that on your time sheet as nonbillable?</p> <p>24 A. No.</p> <p>25 Q. So you didn't track that anywhere?</p>                             | <p>1 Q. Thank you.</p> <p>2 A. Yes.</p> <p>3 Q. And you received the final paycheck with the</p> <p>4 PTO hours that is indicated on Deposition Exhibit 19?</p> <p>5 A. Yes.</p> <p>6 (Deposition Exhibit 20 was marked for</p> <p>7 identification.)</p> <p>8 Q. (BY MS. PERLIONI) I'm going to hand you</p> <p>9 another document that I'm marking Deposition</p> <p>10 Exhibit 20. I would like you to take a look at</p> <p>11 Deposition Exhibit 20 and tell me if you recognize it.</p> <p>12 A. (Reviewing).</p> <p>13 MS. PERLIONI: Let's go off the record</p> <p>14 to give him a chance to review Deposition Exhibit 20.</p> <p>15 (Discussion off the record.)</p> <p>16 (Deposition Exhibit 21 was marked for</p> <p>17 identification.)</p> <p>18 Q. (BY MS. PERLIONI) You've had a chance to look</p> <p>19 at Deposition Exhibit 20 and 21?</p> <p>20 A. Yes.</p> <p>21 Q. I'll represent to you I believe Deposition</p> <p>22 Exhibit 21 to be a declaration that it says on the</p> <p>23 second page of Deposition Exhibit 20 there's a</p> <p>24 signature line for Tom O'Haver.</p> <p>25 A. Yes.</p>  |
| Page 101   | Page 103   |
| <p>1 A. No. Nope.</p> <p>2 (Deposition Exhibits 18 and 19 were</p> <p>3 marked for identification.)</p> <p>4 Q. (BY MS. PERLIONI) I'm going to hand you two</p> <p>5 more documents. These I'm marking as Deposition</p> <p>6 Exhibit 18 and 19. I'll hand you 18 first. Next I'm</p> <p>7 going to hand you 19. Can you take a look at those</p> <p>8 documents and tell me if you recognize them?</p> <p>9 A. (Reviewing). Okay. Yes. I recognize these.</p> <p>10 Q. Is Deposition Exhibit 18 a true and correct</p> <p>11 copy of an e-mail you sent to Marilyn Foos informing</p> <p>12 her that you were resigning your employment with Tyler</p> <p>13 Technologies?</p> <p>14 A. Yes.</p> <p>15 Q. And is Deposition Exhibit 19 a true and</p> <p>16 correct copy of the letter you received from Tyler</p> <p>17 Technologies confirming your separation of employment</p> <p>18 and outlining your final paycheck and benefits?</p> <p>19 A. Yes.</p> <p>20 Q. And on Deposition Exhibit 19, it indicates</p> <p>21 that you would be receiving your last final paycheck</p> <p>22 and it would include 40 regular hours and 2.0 hours of</p> <p>23 PTO that have been accrued and not taken. Do you see</p> <p>24 that?</p> <p>25 A. 2.08 hours of PTO.</p> | <p>1 Q. Is that your signature?</p> <p>2 A. Yes.</p> <p>3 Q. And does Deposition Exhibit 20 appear to be a</p> <p>4 true and correct copy of a declaration that you signed?</p> <p>5 A. Yes.</p> <p>6 Q. Can you just tell me -- and I don't want you</p> <p>7 to go into any conversations that you may have had with</p> <p>8 an attorney, but what was the process for putting</p> <p>9 together the declaration that we have marked</p> <p>10 Exhibit 20? I mean, did you sit down at your computer</p> <p>11 and type it?</p> <p>12 A. I don't recall. It appears to, except this is</p> <p>13 not the copy that I typed because of the lack of</p> <p>14 hyphenations at the end of sentences. This may have</p> <p>15 been a handwritten -- a typewritten version of my</p> <p>16 handwritten document. I can't recall.</p> <p>17 Q. In looking at Deposition Exhibit 20 -- and I'm</p> <p>18 looking particularly at paragraph 4 -- you say, "I</p> <p>19 regularly worked an average of 50 to 60 hours per week.</p> <p>20 Some weeks I worked as many as 70 hours."</p> <p>21 When you're talking about the 50, 60 hours per</p> <p>22 week, are those the weeks you were actually on-site</p> <p>23 with a client doing implementation?</p> <p>24 A. Forty hours of that or the number of hours</p> <p>25 that that was allocated for that training session would</p> |

THOMAS O'HAVER; May 18, 2010

29 (Pages 104 to 107)

| Page 104   | Page 106   |
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| <p>1 be included in that, but that would include also extra</p> <p>2 hours on the airplane that I would be working on</p> <p>3 material for the sessions and in my hotel room late at</p> <p>4 night.</p> <p>5 Q. I guess my question is where you're saying the</p> <p>6 average 50 to 60 hours per week, those were weeks when</p> <p>7 you were traveling?</p> <p>8 A. Yes.</p> <p>9 Q. So not weeks when you were actually in the</p> <p>10 office?</p> <p>11 A. Correct.</p> <p>12 Q. And how did you come up with 50 to 60 hours</p> <p>13 per week? I mean, I know it says it's an average, but</p> <p>14 did you go through any type of looking back at</p> <p>15 documents or any type of calculation to come up with</p> <p>16 that or is this just something that's sort of a</p> <p>17 guesstimate out of your head?</p> <p>18 MS. BAGLEY: Object to the form.</p> <p>19 A. I considered that most of the implementations</p> <p>20 involved four days of training on-site and at least</p> <p>21 four days in the hotel room and travel time, and much</p> <p>22 of my time with Tyler Technologies involved</p> <p>23 implementation projects on the east coast, and so I</p> <p>24 would travel -- be traveling across country and working</p> <p>25 on the airplane primarily the whole time there and back</p>  | <p>1 wasn't a computed average.</p> <p>2 Q. Did you ever work on any federal holidays, any</p> <p>3 company holidays?</p> <p>4 A. It seems to me like I did work on some company</p> <p>5 holidays that wasn't the client holiday, but I can't</p> <p>6 remember what that would have been, because most of the</p> <p>7 clients were municipal employees or government</p> <p>8 employees. They had all the same holidays I had.</p> <p>9 I think there was perhaps -- I can't remember.</p> <p>10 There might have been a Tyler holiday that we got off</p> <p>11 that I had to work. It seems like -- I don't recall</p> <p>12 specifically, but it seems like that was the case in at</p> <p>13 least one case.</p> <p>14 Q. One particular holiday?</p> <p>15 A. Yeah.</p> <p>16 Q. Do you remember what year that was or --</p> <p>17 A. No, not with detail, but it seems like there</p> <p>18 was something.</p> <p>19 Q. Take a look at Deposition Exhibit 21 and tell</p> <p>20 me -- you already told me you recognized it.</p> <p>21 A. Yes.</p> <p>22 Q. What is Deposition Exhibit 21?</p> <p>23 A. It was a performance improvement memo.</p> <p>24 Q. And I just want to make sure. If you look on</p> <p>25 the second page, which is Bates labeled 3185 of</p> |
| Page 105   | Page 107   |
| <p>1 either preparing for the class or writing the follow-up</p> <p>2 memo on the way back and preparing for my next session</p> <p>3 and calculating that that came out to be 50 to 60 hours</p> <p>4 and sometimes for longer implementations and longer</p> <p>5 weeks for up to 70 hours if it was a difficult</p> <p>6 implementation.</p> <p>7 Q. (BY MS. PERLIONI) I'm going to object to the</p> <p>8 form of your answer. My question was did you look back</p> <p>9 at any documents to come up with the average you've</p> <p>10 included in Deposition Exhibit 20?</p> <p>11 A. No, I didn't. I didn't document that</p> <p>12 anywhere.</p> <p>13 Q. And when you're talking about different</p> <p>14 implementations, did you consider how many were on the</p> <p>15 east coast versus how many were elsewhere in trying to</p> <p>16 come up with your numbers at all?</p> <p>17 A. No. It was a general statement for all my</p> <p>18 implementation clients, which involved people on the</p> <p>19 east coast, west coast, and centrally located in the</p> <p>20 country.</p> <p>21 Q. So you didn't do any analysis of all the</p> <p>22 different implementations you did to try to see truly</p> <p>23 what the average was of where the clients were and</p> <p>24 things like that?</p> <p>25 A. No. It was -- it was a general average. It</p> | <p>1 Deposition Exhibit 21, is that your signature on this</p> <p>2 document?</p> <p>3 A. Yes.</p> <p>4 Q. And does this, this being Deposition</p> <p>5 Exhibit 21, appear to be a true and correct copy of a</p> <p>6 performance improvement memo you received on March 7,</p> <p>7 2007?</p> <p>8 A. Yes.</p> <p>9 Q. I want to go back to one thing. I want to</p> <p>10 take you back to Deposition Exhibit 7. Can you look</p> <p>11 back to Deposition Exhibit 7?</p> <p>12 A. I don't have that.</p> <p>13 MS. BAGLEY: Here (handing).</p> <p>14 A. Okay. I have that now.</p> <p>15 Q. (BY MS. PERLIONI) You said this was your</p> <p>16 calendar or information from your calendar, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have this type of information saved in</p> <p>19 a calendar somewhere up through the end of your</p> <p>20 employment with Tyler Technologies?</p> <p>21 A. No.</p> <p>22 Q. You didn't keep this kind of information?</p> <p>23 A. No.</p> <p>24 Q. So you don't have something on your calendar</p> <p>25 saying, hey, here's the day I took off and went to the</p>  |